

UNITED STATES DISTRICT COURT

Northern

District of

California

IMPAK LABORATORIES, INC.

V.

MEDICIS PHARMACEUTICAL CORP.

SUMMONS IN A CIVIL ACTION

EMC

CV CASE NUMBER

0253

TO: (Name and address of Defendant)

Medicis Pharmaceutical Corp.
 c/o C T Corporation System
 818 West Seventh Street
 Los Angeles, California 90017

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Ron E. Shulman
 Roger J. Chin
 Wilson Sonsini Goodrich & Rosati
 650 Page Mill Road
 Palo Alto, California 94304

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

RICHARD W. WILKING

JAN 15 2008

CLERK

DATE

(By) DEPUTY CLERK

ANNA SPRINKLES

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE	January 24, 2008
NAME OF SERVER (PRINT)	TITLE	
Roger J. Chin	Attorney	

Check one box below to indicate appropriate method of service

Served personally upon the defendant. Place where served:

Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left:

Returned unexecuted:

Other (specify): Per agreement of counsel (see attached)

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		n/a

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

1/24/08

Date

Signature of Server

One Market Street
Spear Tower, Suite 3300
San Francisco, CA 94107

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

WEIL, GOTSHAL & MANGES LLP

767 FIFTH AVENUE • NEW YORK, NY 10153-0119

(212) 310-8000

FAX: (212) 310-8007

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SILICON VALLEY
WARSAW
WASHINGTON, D.C.

ELIZABETH STOTLAND WEISWASSER
PARTNER
DIRECT LINE (212) 310-8022
elizabeth.weiswasser@weil.com

January 22, 2008

BY FACSIMILE AND FEDERAL EXPRESS

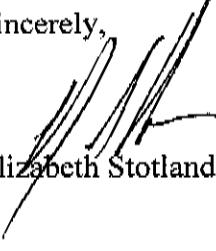
Roger J. Chin, Esq.
Wilson Sonsini Goodrich & Rosati
One Market Street
Spear Tower, Suite 3300
San Francisco, CA 94105-1126

Re: Impax Labs., Inc. v. Medicis Pharmaceutical Corp.,
CV 08 0253 (ND Cal) (EMC)

Dear Roger:

We represent Medicis Pharmaceutical Corp. in the above-referenced action. Thank you for your letter of January 15th to Seth Rodner attaching a copy of IMPAX's Complaint for Declaratory Judgment, which you indicate has been filed but not served.

We disagree with IMPAX that its declaratory judgment action is appropriate. If IMPAX chooses to maintain the action, you should serve us and we will respond.

Sincerely,

 Elizabeth Stotland Weiswasser

cc: Seth L. Rodner



One Market
Spear Street Tower, Suite 3300
San Francisco, CA 94105-1126
PHONE 415.947.2000
FAX 415.947.2099
www.wsgr.com

January 22, 2008

VIA FACSIMILE

Elizabeth S. Weiswasser, Esq.
Weil Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153

**Re: *IMPAX Laboratories, Inc. v. Medicis Pharmaceutical Corp.*,
Case No. C08-0253-MMC (N.D. Cal.)**

Dear Elizabeth:

Thank you for your letter of earlier today, in which you suggest that we should serve you with the complaint. Can you confirm by tomorrow that your firm agrees on behalf of the defendant to accept service of the complaint and related materials by Federal Express?

Sincerely,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

A handwritten signature in blue ink, appearing to read 'RJ Chin'.

Roger J. Chin

WEIL, GOTSHAL & MANGES LLP

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January 23, 2008

BY FACSIMILE AND FEDERAL EXPRESS

Roger J. Chin, Esq.
Wilson Sonsini Goodrich & Rosati
One Market Street
Spear Tower, Suite 3300
San Francisco, CA 94105-1126

Re: IMPAX Labs., Inc. v. Medicis Pharmaceutical Corp., Case No. C08-0253-MMC (N.D. Cal.)

Dear Roger:

This responds to your letter of yesterday. By this letter, we confirm that Weil, Gotshal will accept service of the complaint in the above-referenced action on behalf of Defendant Medicis Pharmaceutical Corp. Please direct service to my attention.

Sincerely,

 Elizabeth Stotland Weiswasser

cc: Seth L. Rodner



One Market Street
Spear Tower, Suite 3300
San Francisco, CA 94105-1126
PHONE 415.947.2000
FAX 415.947.2099
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January 23, 2008

VIA FEDERAL EXPRESS

Elizabeth S. Weiswasser, Esq.
Weil Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153

**Re: *IMPAX Laboratories, Inc. v. Medicis Pharmaceutical Corp.*
Case No. C08-0253-MMC (N.D. Cal.)**

Dear Elizabeth:

Thank you for agreeing to accept service of the complaint and related materials on behalf of defendant Medicis Pharmaceutical Corp. Enclosed please find defendant's service copy of:

- Summons
- Civil Cover Sheet
- Complaint
- ECF Registration Information Handout
- Welcome to the U.S. District Court San Francisco
- Drop Box Filing Procedures
- Notice of Assignment of Case to a United States Magistrate Judge for Trial
- Order Setting Initial Case Management Conference and ADR Deadlines
- Standing Order for Civil Practice in Cases Assigned for All Purposes to Magistrate Judge Edward M. Chen
- Standing Order for All Judges of the Northern District of California

Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

Elizabeth S. Weiswasser, Esq.
January 23, 2008
Page 2

- Report on the Filing or Determination of an Action Regarding a Patent or Trademark
- Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge
- Notice of Impending Reassignment to a United States District Court Judge
- Reassignment Order
- Pretrial Preparation Order
- Standing Orders for Civil Cases Assigned to the Honorable Maxine M. Chesney

Sincerely,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation



Roger J. Chin

RJC/srf
Enclosures

CERTIFICATE OF SERVICE

2 I hereby certify that the foregoing document was served on this date on counsel for
3 defendant, via United States mail and facsimile:

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day
8 of January, 2008, at San Francisco, California.

Roger J. Chin